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EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Gerald H. Glanzman (Reg. No. 25,035) on September 22, 2008.

2. The application has been amended as follows:

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IN THE CLAIMS

Please amend claims 1, 9, and 17 as follows:

In claim 1, line 8, replace “affect” with “effect”.

In claim 1, line 1, delete, “obtained from a plurality of executions of a computer program,”.

In claim 1, insert after line 2, “executing a computer program a plurality of times to obtain trace data;”.

In claim 9, line 11, replace “affect” with “effect”.

In claim 17, line 8, replace “affect” with “effect”.

In claim 17, insert after line 2, “one or more processors coupled to a memory;”.

--END OF AMENDMENT—

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3. The following is an examiner's statement of reasons for allowance: as applicant's correctly notes, while Cohen does teach the use of averaged profile/trace data to generate an averaged call tree data structure, Cohen does not create an added call tree data structure or use the values associated with nodes in such an added call tree structure to calculate the average. (Appeal Brief, July 7, 2007, pp. 13-16). The other prior art of record (including the merged traces of Kazi) fails to make up for this deficiency or suggest that such a feature would have been obvious to one of ordinary skill in the art at the time the invention was made. (Brief at 15).

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

4. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Eric B. Kiss whose telephone number is (571) 272-3699. The Examiner can normally be reached on Tue. - Fri., 7:00 am - 4:30 pm. The Examiner can also be reached on alternate Mondays.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Tuan Dam, can be reached on (571) 272-3695. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

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/Eric B. Kiss/

Eric B. Kiss

Primary Examiner, Art Unit 2192